



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Gulf of the Farallones National Marine Sanctuary

991 Marine Dr., The Presidio
San Francisco, CA 94129

April 17, 2008

Blue Ribbon Task Force
Marine Life Protection Act Initiative
MLPAComments@resources.ca.gov

RE: Sanctuary Preferred Special Closures

Dear Chair Golding and Members of the Blue Ribbon Task Force:

The Gulf of the Farallones National Marine Sanctuary (GFNMS) manages sanctuary waters within the North-Central Coast region from Pigeon Point to Bodega Bay. Since we share jurisdiction of these waters with the State of California (State), it is important that we continue to work together to protect the marine ecosystem. It has been a pleasure to work with the Initiative Team and the Department of Fish and Game during the past year. The MLPA initiative process has been an enormous undertaking, and we appreciate the hard work and efforts of the Team to have a highly organized and open public process for establishing MPAs. This letter underscores the importance of implementing Special Closures in this region, and addresses previous concerns. Our staff has been working cooperatively with other stakeholders on protecting the most critical seabird and Steller sea lion breeding areas. We are pleased to report that all three final Regional Stakeholder Group (RSG) proposals contain Special Closures with considerable overlap.

The GFNMS is asking the BRTF to include the following Special Closures in the packages to be forwarded to the Fish and Game Commission (Commission). Of the 100 seabird colonies identified in the study region, the sanctuary recommends protecting 4 colony complexes: Farallon Islands, Drakes Bay, Point Reyes, and Devil's Slide as listed in the chart below.

Summary of GFNMS-Recommended Special Closures (all are year-round)

<u>Colony Complex</u>	<u>Recommended distance</u>	<u>Package</u>
Farallon Islands		
• Southeast Farallon Island	300 ft	1-3, 4
• North Farallon Island	1000 ft	1-3, 4
• Isle of St. James	300 ft	1-3, 2-XA, 4
Drakes Bay complex		
• Point Resistance	300 ft*	2-XA
• Stormy Stack	300 ft	1-3, 2-XA, 4
Point Reyes complex		
• Point Reyes Headland	1000 ft	1-3, 4
Devil's Slide/Point San Pedro		
• Devil's Slide Rock (Egg Rock)	1000 ft	1-3, 4

* Note: We recommend the distance at Point Resistance as identified in proposal 2-XA, with a modification to the shape from a circle to a square (map attached).

Effect of Disturbance on Seabird Breeding

Frequent disturbance or even just a single severe event can lead to disruption of critical seabird behaviors like finding an adequate nesting site, nest defense, and the feeding of young as well as increased stress levels and higher energy costs. This has led to chick loss, increased predation, chick abandonment or trampling, and/or colony abandonment. Severe disturbance that causes abandonment of nests or colonies can potentially result in several years of lost reproduction. Hence, Special Closures at key sites are needed to aid breeding success, increase populations, and help seabirds recover from oil spills.

Special Closure Location Convergence

Proposals 1-3, 2-XA, and 4 protect the most critical seabird breeding sites with Special Closures. All 3 packages contain Special Closures at the Farallon Islands, Devil's Slide Rock (Egg rock), and Stormy Stack. Two of three proposals contain Special Closures at Point Resistance (1-3 and 2-XA) and Point Reyes Headlands (1-3 and 4). Although group 4 did not initially include Point Resistance, many of its members are not opposed to including this area in the final preferred package. It is our understanding that package 2-XA designers had a navigation concern at Point Reyes that has been addressed in proposals 1-3 and 4 by excluding the western-most end of the headland from the Special Closure.

Special Closure Distances

In October 2007, the Sanctuary Seabird Technical Advisory Committee, composed of state and federal agencies, advised us to recommend special closures around key seabird breeding and roosting colonies in the MLPA study region and provided a 1000 ft closure distance recommendation, which would eliminate 91% of disturbance and 95% flushing. The 1000 ft recommendation, along with the key areas was presented to the Regional Stakeholder Group in October 2007. Since then we worked to get broad-based support and as a result, we have completely dropped some colonies from the list and are now supporting 300 ft at the majority of colonies to accommodate access, alleviate navigational and safety concerns, and comply with Department of Fish and Game enforcement feasibility guidance recommending that only distances of 1000 ft or 300 ft are used.

There are now only three colonies where 1000 ft remains our preferred distance: 1) North Farallon Islands because it includes critical Steller sea lion breeding habitat, an Endangered Species Act listed species; 2) Devil's Slide Rock (Egg Rock) because over \$6.2 million has been spent restoring this population and additional funds have been requested for a 20 year monitoring and restoration program; and 3) Point Reyes Headlands because it is the largest mainland colony; since all the packages have proposed this area as a marine reserve, the number of users affected by the Special Closure is minimized.

Farallon Islands

Since state marine reserves are proposed at the North and Southeast Farallon Islands in all packages, Special Closure concerns have focused on ecotourism access and navigation/safety. Packages 1-3, 2XA, and 4 recommend maintaining existing speed and noise restrictions and address ecotourism and navigation/safety concerns at Southeast Farallon Island by leaving two areas completely open: Fisherman's Bay and East Landing. The area between these two places contains the largest Common Murre colony on the entire island. Hence, the GFNMS supports the

Special Closure design in proposals 1-3 and 4 which protects this area and includes it within the closure. The main ecotourism operators in this area have been consulted and the majority have voiced general support for this option. Balancing navigation concerns at the North Island / Isle of St. James with critical habitat needs of the ESA listed Steller sea lion has resulted in cross-interest support for a 1000 ft Special Closure at the North Island and only a 300 ft closure around the Isle of St. James as proposed in packages 1-3 and 4.

Sparing use of Special Closures

The North-Central Coast region is special within California, because it contains the largest concentration of breeding seabirds in the contiguous United States. The four main colony complexes in this area are the Farallon Islands, Drakes Bay complex, Point Reyes complex, and Devil' Slide Rock/Point San Pedro region. Hence, Special Closure proposals focus on those four main areas. Critical spots within those regions were identified to minimize the overall area affected by Special Closures while protecting places with the largest species diversity, largest numbers of breeding individuals, significant presence of species in decline, and/or oil spill restoration sites.

Coastal Access Impact

Seabird breeding areas are typically located on offshore rocks, isolated sea stacks, islands and steep mainland cliffs –areas that can usually only be accessed by boats. We have consulted with California Coastal Commission staff and received feedback that no approval problems are anticipated for the above-mentioned Special Closures. The Special Closure at Point Resistance is adjacent to a Point Reyes National Seashore beach and has the support of the National Seashore. There is no trail access to the beach. The National Park Service is amenable to posting signage on the cliff regarding the offshore closure.

Benefit of Special Closures in Areas with Proposed MPAs

Although fishing activities are not allowed in State Marine Reserves (SMRs) thereby limiting the total number of vessels at those locations, long-term monitoring has shown that other activities have resulted in human-induced disturbance to seabird breeding colonies (e.g. recreational boating). Special Closures at the Farallon Islands and Point Reyes Headland are within State Marine Reserves in all three RSG packages and are anticipated to benefit these sensitive wildlife sites by expanding protection to encompass all vessels.

Education

The GFMMS has an entire program dedicated to the protection of seabirds, the Seabird Colony Protection Program, which began in 2006. This Program specifically aims to reduce human disturbance to seabirds at coastal breeding and roosting (resting) sites in central California in order to improve the survival and recruitment of seabirds by targeting the three main sources of human disturbance: boats, planes and humans on foot. Annual funding for education and outreach is provided, and this is also a partnership program that includes state and federal agencies, including: National Park Service, Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. Coast Guard, California Coastal Commission, Department of Boating and Waterways, Department of Fish and Game Oil Spill Prevention and Response, and California State Parks. We are fully committed to continuing this education program over the long term and can assist the Department of Fish and Game with Special Closure education in this region.

Ample education opportunities via ecotourism continue to exist as almost all wildlife breeding/roosting/ and haul-out sites in this ecologically rich region remain open. Additionally, great care was taken to accommodate ecotourism at the most commonly visited sites (e.g. Fisherman's Bay and East Landing at Southeast Farallon Island).

Feasibility/Enforceability

The Special Closures recommended by the GFNMS that have been proposed in all three RSG packages comply with Department of Fish and Game feasibility guidelines. In particular, the new shape we've provided at Point Resistance will be easier to enforce and easier for the public to avoid since it is anchored by whole latitude/longitude coordinates and easily recognizable points on shore. In addition, the GFNMS is committed to ensure these closures are added to nautical charts, which are produced by an office within our agency, the National Ocean and Atmospheric Administration. The GFNMS also has funding to help the Department of Fish and Game with implementation of Special Closures. We have funds available to assist with enforcement of the Special Closures including for the placement of demarcation buoys to help boaters understand where these areas are located, and we have in-house expertise and experience from our national program in using buoys in this and other regions.

Conclusion

All three final Regional Stakeholder Group (RSG) proposals contain Special Closures with considerable overlap, and since these proposals were finalized, GFNMS staff has continued to work with many stakeholders and agencies to refine these proposals into the recommendation listed in the chart above. We urge the BRTF to include all of these Special Closures we recommend on page 1 of this letter in all the final packages forwarded to the Fish and Game Commission.

Although we are not taking a position on specific MPA packages, we would like to note that the designers of all three packages have been receptive and accommodated many of our concerns. The stakeholders have worked hard to come to convergence, accommodate various interests, achieve the highest levels of protection, and abide by Science Team and Department of Fish and Game guidelines. We realize that you have a difficult decision to make when ultimately choosing the final package, and we fully endorse your strong commitment to a community-informed, public process that uses the best available science.

If you have any questions, please do not hesitate to contact our designated MLPA stakeholders: Irina Kogan (primary) at (650) 712-8791 or by email at irina.kogan@noaa.gov; or Karen Reyna (alternate) at (415) 561-6622 or by email at karen.reyna@noaa.gov. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Maria Brown". The signature is fluid and cursive, with the first name "Maria" and last name "Brown" clearly distinguishable.

MARIA BROWN
Superintendent

GFNMS 300 ft Special Closure Recommendation for Pt. Resistance

38°10'N

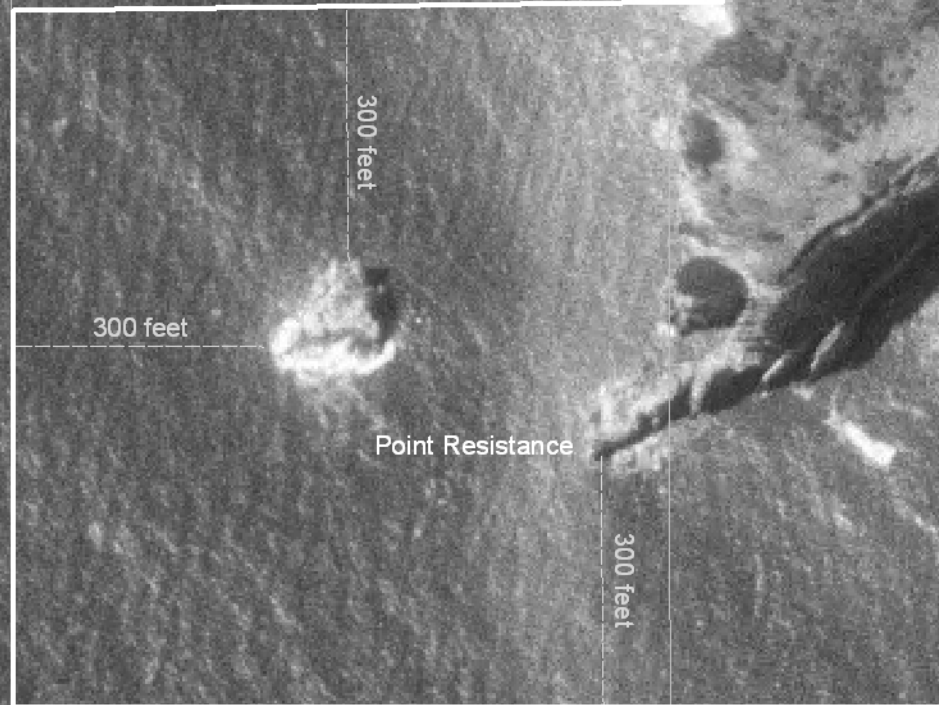
38°10'N

17°59'50"N

17°59'50"N

0 100 200 300 400 500 600 Feet

— Proposed Boundary
All distances are approximate.





FARALLONES MARINE SANCTUARY ASSOCIATION

April 17, 2008

The Honorable Susan Golding, Chair
MLPA Initiative Blue Ribbon Task Force
c/o California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Email: MLPLAComments@resources.calgov

Dear Honorable Chair Golding and Fellow BRTF Members:

This letter constitutes the comments of the Farallones Marine Sanctuary Association (FMSA) to the Blue Ribbon Task Force regarding the various proposals developed by the Regional Stakeholder Group for the North Central Coast under the Marine Life Protection Act. We support the Special Closure options proposed by the Gulf of the Farallones National Marine Sanctuary, and have comments about our research and outreach project in specific areas within the North-Central Coast Region. We would like these comments considered by the BRTF before making a recommended preferred alternative to the Dept. of Fish and Game Commission on April 23, 2008.

Areas of Interest & Benefits of SMRs/SMCA

FMSA is a non-profit organization whose mission is to protect the unique ocean environment beyond the Golden Gate, in partnership with the Gulf of the Farallones National Marine Sanctuary (GFNMS), through education, outreach and stewardship. The management authority currently of the GFNMS is from Ano Nuevo north through Marin County and includes the Farallon Islands. H.R. 1187 recently passed the U.S. House of Representatives would extend the GFNMS north which would include the entire North Central Coast MLPA Region. The immediate effect of a National Marine Sanctuary is to prohibit exploration and extraction of oil and mineral resources. This adds enormous protection to the ecosystem.

Two programs of FMSA/GFNMS are directly related to the MLPA goals. The Beach Watch program is a long term monitoring effort of major beaches in Marin, San Francisco and San Mateo counties. The data collected of live and beach cast specimens provides important baseline data. In the recent oil spill of the *Cosco Busan* it was Beach Watch monitors who quickly surveyed beaches and it is Beach Watch data that is providing the baseline data for damage and

restoration assessments. It can serve as an indicator of ocean health and could determine trends near established marine protected areas.

Another FMSA/GFNMS program is LiMPETS (Long-term Monitoring Program and Experiential Training for Students) which is a program designed to give high school students direct science training and education. The goal is to establish long-term quantitative intertidal and sandy beach monitoring programs. There are a number of study sites that are regularly monitored but one important one in this study region is at Duxbury Reef. We note that two proposals (1-3 and 4) provide for a MPA at Duxbury. If some form of reserve were established there the LiMPETS program could serve as the basis for a research protocol to research effectiveness of reserves.

As to the Farallon Islands, during the RSG process the MPA's were developed by a broad cross section of stakeholders. There appears to be consensus among the three proposals as to MPA's (SMR's and SMCA's). These will add substantial protection to the forage base for seabirds. At the outset it was thought that this area would have been one of the most contentious. However, during the RSG process, giving the attitude of all the participants to compromise and cooperate, the various needs and interests of the stakeholders were accommodated. All the RSG participants and the MLPA staff are to be congratulated in this accomplishment.

All the proposals include additional protection at Pt. Reyes National Seashore. As to Duxbury Reef, as noted above this is an area of special significance to the community and is the subject of a FMSA/GFNMS scientific monitoring program that would be a good site for MPA evaluation studies. At the Devil's Slide/Fitzgerald Marine Reserve area we have noted the importance of that area for the Murre Restoration project at Devil's Slide Rock (Egg Rock). Protection of forage areas in the area would benefit that project.

Special Closure Areas

During the MLPA process the issue of special closures were considered as part of the process. It has been recognized that Special Closure Areas (SCA) established under the Fish and Game Code can significantly reduce bird and marine mammal disturbance. On February 14, 2008 the GFNMS submitted a 3-page letter to the BRTF explaining the importance of special closures in this area and urging adoption of closures in particular "hotspots". The rationale for, and importance of, each of the proposed SCA's is provided in documents submitted during the Science Advisory Team review and in the documentation for each of the proposed SCA's collected by the Initiative Team. We anticipate that the GFNMS will be providing comments to the BRTF setting forth in more detail the justification for specific SCA's.

Not all of the key seabird and marine mammal colonies and breeding sites are currently being proposed as an SCA. It appears that the RSG proposals of SCA's were done sparingly. Each of the proposed SCA's were chosen to protect the areas with greatest species diversity, and are areas that have documented human-related disturbance issues. Of importance are the proposed SCA's at Point Reyes National Seashore, the Farallon Islands and the Murre restoration area at Devil's slide Rock (Egg Rock) at the Devil's Slide/Point San Pedro Area. At the Farallon Islands, there is also almost complete agreement on SCA's. In the North Farallon Island complex one proposal (2XA) has only a 300-foot closure around the threatened Steller sea lion rookery while the other two (1-3 and 4) have a 1000-foot SCA. We support the 1000-foot closure. It provides greater protection for Steller sea lions while not interfering with fishing operations. As to the South East Farallon Islands (SEFI) the current proposal is being designated the (GFNMS option). There is almost complete agreement on the SCA. The only difference is that 2XA would exclude a small area between the two open places from the SCA. We support retaining this area as an SCA in agreement with proposals 1-3 and 4, as it is near one of the larger Murre breeding sites on the island and the SCA would not interfere with navigation or fishing activities.

Again, we would like to congratulate all the Stakeholders for the efforts and accomplishments. Clearly these efforts will lead to additional protection of our important marine resources and ecosystem.

Sincerely yours;

QuickTime™ and a
TIFF (LZW) decompressor
are needed to see this picture.

Robert J. Wilson
Interim Executive Director